

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	
)	

Subscriber Notification and Acknowledgement and Compliance Report

Primus Telecommunications, Inc. ("Primus") hereby submits this Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Guidance provided by Enforcement Bureau of the Federal Communications Commission ("Commission") on July 26, 2005.¹

I. INTRODUCTION.

Primus provides a voice over internet protocol ("VoIP") solution that falls within the scope of Section 9(e) of the Commission's Rules in the above-referenced docket.² Although this technology involves both landline and VoIP circuits attached to the same Customer Premise Equipment ("CPE") and is similar to the service that is the subject of a Petition for Reconsideration/Clarification and/or Waiver currently before the

¹ Public Notice, "Enforcement Bureau Provides Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines," DA 05-2085 (rel. July 26, 2005).

² While this business VoIP product is part of Primus's product suite, it was not actively being marketed by the business units. In May/June, 2005, Primus went through a reorganization and the new organization plans to implement a renewed marketing effort for this product.

Commission,³ Primus's steps regarding compliance with the Commission's Rules relative to this service are described below.

II. PRIMUS'S EFFORTS TO SATISFY THE COMMISSION'S NOTIFICATION REQUIREMENTS.

A. *A detailed description of all actions Primus has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service.*

Primus established a task force to ensure that the company took all reasonable steps to comply with the Commission's Rules with respect to customer acknowledgments and distribution of stickers. Due to the small size of the existing customer-base (less than two hundred), Primus has been able to take individual interest in each account, tracking it through delivery to response.⁴

Direct Mail. On July 22, 2005, Primus sent out a letter and Safety Advisory ("Advisory") to its then-current VoIP customer base. (See Exhibit A and Exhibit B.) These documents were sent via the U.S. Postal Service, with two (2)-day, guaranteed delivery. Primus gave its customers two ways to respond – via an enclosed pre-paid return envelope with two (2)-day, guaranteed delivery or via facsimile. As these are business customers, either method was a convenient way for the company to respond.

Primus reviewed returned and undeliverable mail, comparing it to the billing records for that customer. If needed, Primus contacted the customer to confirm

³ See "Petition for Reconsideration/Clarification and/or Waiver by Comptel," filed July 29, 2005.

⁴ Primus has also used this opportunity to "clean up" accounts in which the customer no longer used the VoIP service but failed to cancel the account or were inactive accounts.

addresses. Primus then re-issued mailings based on correct addresses, or included those customers in the outbound calling/e-mail campaigns described below.

Since the direct mailing in July, Primus has signed up only one (1) new customer subject to the Commission's rules regarding notification/acknowledgement. Primus just received this customer's paperwork this week, and has forwarded the appropriate acknowledgement to that customer. This customer will be included in all of Primus's follow up efforts detailed below.⁵

Outbound Calling. Beginning August 2, 2005, Primus began an outbound calling campaign to those customers that did not return their Advisories, urging customers to return the Advisory as soon as possible. (See Exhibit C for scripts that have been used.) A message is left if the customer's phone is answered by machine. As part of the script, Primus advises that the service may be suspended if the Advisory is not received. Follow up calls will be made to customers who Primus was able to speak with, but have not sent in the Advisory; beginning August 22, these follow up calls will be made daily.

E-mail. If there is no answer at the customer's phone, or if the telephone number Primus has in its database is incorrect, Primus then e-mailed the customer. (See Exhibit D for e-mail texts that have been used.) If this e-mail does not go through, Primus will attempt to conduct additional research to determine if this customer is still an active customer, and if they are, to find another means by which they can be reached.

New Corporate Procedures. Primus is in the midst of launching a marketing campaign for this product. All new customers will receive the Advisory with the initial paperwork provided to the customer and must be signed with the actual contract for services. The service will not be initiated without these documents.

⁵ See Footnote 7 below.

B. A quantification of how many of Primus's subscribers, on a percentage basis, have submitted an affirmative acknowledgement (as of the date of this report) and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.

As of 8:00 p.m., August 9, 2005, Primus received affirmative acknowledgements from fifty percent (50%) of its subscribers. While Primus is taking a variety of steps to receive acknowledgments from 100 percent of its subscribers by August 29, Primus estimates that it will probably not receive acknowledgements from about twelve percent (12%) of its subscriber base by August 29, based on the current projections of acceptances.⁶

C. A detailed description of whether and how Primus has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.

Warning stickers were sent to Primus's customer base on July 27, 2005 via certified mail. (See Exhibit E.) Only one new customer has signed up for service since that time, and Primus just received the completed paperwork from this customer this week. Primus will be sending stickers to that customer on August 11, 2005. Because of the delay in provisioning,⁷ this customer will not be able to turn on the service before the stickers are sent.

On a going forward basis for new customers, sales representatives will be provided with the stickers to give the customer as part of the initial paperwork. In the

⁶ At this time Primus anticipates that the 12% will consist of companies for which the address Primus has on file is undeliverable, the contact telephone number is not working, and/or the e-mail address is bad, or out e-mail attempts have gone unanswered.

⁷ It takes approximately thirteen (13) days from the date Primus receives the completed paperwork by the customer to actual initiation of service.

event the sales representatives do not or are not able to give the customer the stickers when they sign the contract for services, stickers will be sent once Primus receives the completed paperwork. It is Primus's policy that service will not be initiated without the customer having these stickers.

D. A quantification of how many subscribers, on a percentage basis, to whom Primus did NOT send the advisory described in (A) above and/or to whom Primus did NOT send warning stickers or other appropriate label as identified in (C) above.

Primus sent 100% of its subscribers VoIP Advisories and 99% of its subscribers stickers⁸ (or other appropriate labels), and is taking additional follow-up steps as described above.

E. Detailed description of any and all actions Primus plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including but not limited to, disconnecting the subscriber's VoIP service with Primus no later than August 30, 2005.

Primus is committed to a 100% response rate from its subscriber base, and throughout the month of August, Primus will continue its efforts to achieve this goal. Primus intends to continue the phone and e-mail campaign described in Section A above, and has warned customers of potential loss of service. With respect to the issue of those subscribers that have not responded by the August 29, 2005 deadline, Primus intends to take all actions legally required, including potentially suspending service.

F. A detailed description of how Primus is currently maintaining any acknowledgements received from its subscribers.

Because Primus has opted to maintain the acknowledgements in "hard copy", Primus has kept each of the actual acknowledgements, including proof of delivery dates.

⁸ This accounts for the 1 customer that just signed up for service, and stickers will be mailed on August 11, 2005, when the responsible individual returns from vacation.

These are kept in a locked filing cabinet in Primus's legal department. On a going forward basis, sales representatives will be instructed to provide Primus's legal department with copies of the signed Advisory by new customers that will also be stored in the locked file cabinet.

G. The name, title, address, phone number and e-mail address of the person(s) responsible for the Company's compliance efforts with the Order.

The following individuals are responsible for ensuring Primus's compliance with the Commission's Rules with respect to customer acknowledgements and distribution of stickers:

Mr. Joe DiMaio
Vice President, Enterprise Solutions
Primus Telecommunications, Inc.
7901 Jones Branch Drive, #900
McLean, VA 22102
(703) 394-5956
jdimaiio@primustel.com

Ms. LeAnne Edgeton
Dir., NA Agent Sales & Service
Primus Telecommunications, Inc.
2094 185th Street
Fairfield, IA 52556
(641) 469-4672
ledgeton@ia.primustel.com

Mr. Rene Brun
Director
Primus Telecommunications, Inc.
7901 Jones Branch Drive, #900
McLean, VA 22102
(703) 394-5962
rbrun@primustel.com

Kathleen Kerr Lawrence, Esq.
Asst. General Counsel
Primus Telecommunications, Inc.
7901 Jones Branch Drive, #900
McLean, VA 22102
(703) 394-4503
klawrence@primustel.com

The following individuals are responsible for Primus's compliance with the other portions of the Order:

Walter L. Stone, Esq.
Sr. Vice President, General Counsel & Secretary
Primus Telecommunications, Inc.
7901 Jones Branch Drive, #900
McLean, VA 22102
(703) 394-5950
wstone@primustel.com

Mr. Sean Butler
Sr. Manager – Vendor Management
Primus Telecommunications, Inc.
7901 Jones Branch Drive, #900
McLean, VA 22102
(703) 394-5925
sbutler@primustel.com

Respectfully Submitted,

PRIMUS TELECOMMUNICATIONS, INC.

A handwritten signature in dark ink, appearing to read "Joe DiMaio", written over a horizontal line.

Joe DiMaio

Vice President

7901 Jones Branch Drive, #900

McLean, VA 22102

August 10, 2005

cc: Byron McCoy
Kathy Berthot
Janice Myles
Best Copy and Printing

EXHIBIT A

July 22, 2005

Dear Customer:

As you may be aware, the FCC recently issued an Order placing certain requirements on VoIP providers with respect to 911 and E911 service. Specifically, the FCC now requires all VoIP providers, including Primus Telecommunications, Inc. ("Primus"), to advise their customers the circumstances under which E911 service may not be available or limited by comparison to traditional E911 service. On or before July 29, 2005, providers are required to obtain and keep a record of each customer's affirmative acknowledgement that they have read and understand this advisory. Additionally, providers are required to distribute warning stickers or other labels warning subscribers if E911 service is limited or not available.

In accordance with these new regulations, we enclose the required advisory. We request you to review the advisory, sign, and return to us in the enclosed Postal Package, or via the following methods:

Fax: Attn: VoIP Advisory Team
703-748-8014

U.S. Mail: Primus Telecommunications, Inc.
7901 Jones Branch Drive, Suite 900
McLean, VA 22102
Attn: Rene Brun, VoIP Advisory Team

Electronic (remember to attach the pdf of your signed document to any e-mail): legal@primustel.com

Please remember that the FCC requires that Primus receive this acknowledgement on or before July 29, 2005.

As a follow up to this letter, Primus will be sending you stickers to be attached to the VoIP equipment and/or the VoIP phone. We urge you to place these stickers in a visible place on each telephone and the equipment, if it is in a location where it is visible to the person using the telephone. If you require additional stickers to accommodate all of your end users, please contact your Primus representative.

Thank you for your cooperation. ***We are issuing this notice in compliance with federal regulations; Failure to promptly return a signed advisory may result in the suspension or termination of your VoIP services with Primus.***

The safety of you and the users of the VoIP service is important to us! If you have any questions about the advisory, please contact your Primus representative.

Best regards,

Joe DiMaio
Vice President

EXHIBIT B

IMPORTANT SAFETY ADVISORY

This advisory is issued pursuant to the FCC Regulations published in the Federal Registry (FR Doc 05-12828)

The VoIP service provided to you by Primus Telecommunications, Inc. ("Primus") does **NOT** support E911 service under any circumstances, including but not limited to:

- Broadband connection failure
- Loss of electrical power
- Delays that may occur in making a Registered location available in or through the ALI database;
- Relocation of the end user's IP-compatible CPE,
- Use by end user of a non-native telephone number.

If the technology that you and your end users utilize involves a phone system in which both a VoIP line and a traditional telephone line support the telephone service, 911 calls will not go through (and traditional 911 service will not be available) if the traditional telephone line is inoperable for any reason.

CUSTOMER ACKNOWLEDGEMENT

I hereby acknowledge that I have read and understand the foregoing advisory regarding VoIP service and will take all steps necessary to inform my end users of the same.

COMPANY: _____

NAME: _____
(please print)

TITLE: _____

DATE: _____

ACCOUNT NUMBER: _____

EXHIBIT C
Text of Scripts for Customers

SCRIPT 1 (updated & currently used script): This is Primus Telecommunications, and you are in our systems as having our Network Extension VoIP service. You were mailed an overnight package from Primus last week. Do you recall getting that package? If so, please take the letter from that, sign it, and either fax today, or drop back in the provided return package. This is in regards to the delivery of 911 service and that our service does NOT support this feature under certain circumstances. It is imperative and a federal mandate that you sign this advisory. If we do not get this signed and returned to Primus by August 29, 2005, we will be expected by the FCC to suspend your service on August 30. If you did not get this package, please let me verify your address.....Do you have a fax? I will be sending this letter to you (by either mail or fax) – please sign it immediately upon receipt and return to us. We will follow up next week with another phone call if we have not received it.

SCRIPT 2 (initial script): This is Primus Telecommunications, and you are in our systems as having our Network Extension VoIP service. You were mailed an overnight package from Primus last week. Do you recall getting that package? If so, please take the letter from that, sign it, and either fax today, or drop back in the provided return package. This is in regards to the delivery of 911 service and that our service does NOT support this feature under certain circumstances. It is imperative and a federal mandate that you sign this advisory. If we do not get this signed and returned to Primus we have to, by federal mandate, suspend your service on August 31. If you did not get this package, please let me verify your address.....Do you have a fax? I will be sending this letter to you (by either mail or fax) – please sign it immediately upon receipt and return to us. We will follow up next week with another phone call if we have not received it

IF NO ANSWER: If no answer, message is left very similar to script, but including “Please call our customer service center which is 24x7 and request another copy of this letter – 1-800-393-3000.”

EXHIBIT D
Text of E-Mails sent to Customers

E-Mail Text 1 -- (Updated & Currently Used Text)

Dear Customer,

Have you signed your Safety Advisory regarding the important differences between VoIP services and 911? Please call our Customer Service department at 1-800-393-3000 any time for your copy. If you do not sign and return this advisory to us by August 29, we will be expected by the FCC to suspend your service on August 30 and Primus will close your account on September 1.

Do you still have the package we sent you last week? If not, please call our Customer Service department at 1-800-393-3000 any time for your copy. Please provide a fax number I can send the notice to for you to sign and send back immediately! (write account # in form before faxing). Please return fax to 888-863-1719.

Best Regards,

Primus Telecommunications, Inc.
7901 Jones Branch Drive, Suite 900
McLean, VA 22102

E-Mail Text 2 (Initial Text)

Dear Customer,

Have you signed your Safety Advisory regarding the important differences between VoIP services and 911? Please call our Customer Service department at 1-800-393-3000 any time for your copy. If you do not sign and return this advisory by August 29, your account will be closed with Primus on Sept 1 as required by the Federal Communication Commissions/FCC.

Do you still have the package we sent you last week? If not, please call our Customer Service department at 1-800-393-3000 any time for your copy. Please provide a fax number I can send the notice to for you to sign and send back immediately! (write account # in form before faxing). Please return fax to 888-863-1719.

Best Regards,

Primus Telecommunications, Inc.
7901 Jones Branch Drive, Suite 900
McLean, VA 22102

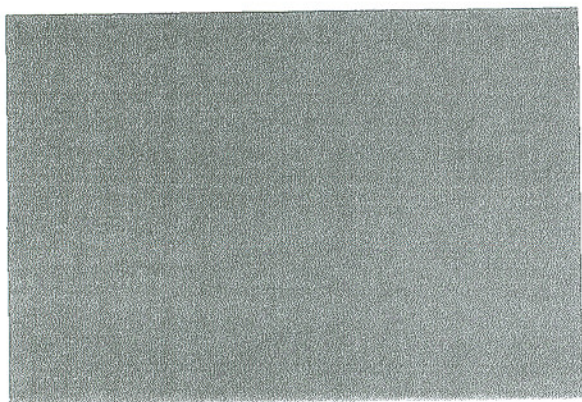
Place **WARNING** stickers on the Primus VoIP adapter.



Place these stickers only on phones using Primus VoIP service.



IMPORTANT NOTICE FOR PRIMUS VOIP CUSTOMERS. The **WARNING** sticker provided to the left **MUST** be prominently affixed to the Primus VoIP adapter and in a location where a caller using this VoIP service will be able to see and read **WARNING**. Failure to affix may result in the caller not knowing that he/she may not be able to reach 911 in the event of an emergency and if there is a local service outage. If you have any questions please contact your Primus representative. Please remove all stickers promptly in the event you cancel your Primus VoIP service.



July 27, 2005

Dear Customer:

Thank you for providing us with your written acknowledgment of the differences between the VoIP services you are receiving from Primus Telecommunications, Inc. ("Primus") and traditional 911 and/or E911 service. If you have not sent us your acknowledgment, **please do so immediately**. Acknowledgements can be faxed to (703) 748-8017 or returned in the overnight package enclosed with your original letter.

As mentioned in the letter to you last week, Primus is required by the FCC to distribute warning stickers or other labels warning subscribers if E911 service is limited or not available. Enclosed with this letter we have provided you with sticker for your VoIP equipment and/or VoIP phone. We urge you to place these stickers in a visible place on each telephone and on the equipment, if the equipment is in a location where it is visible to the person using the telephone.

The safety of you and the users of Primus's VoIP service is important to us! If you have any questions, or if you require additional stickers to accommodate all of your end users, please contact your Primus representative.

Best regards,

Joe DiMaio
Vice President